

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**  
Greenbelt Division

IN RE:

Case No.: 18-13079-LSS

TOMAS E. CARBAJAL  
Debtor

Chapter: 13

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TOMAS E. CARBAJAL  
Debtor/Movant

vs.

SETERUS, INC. AS THE AUTHORIZED  
SUBSERVICER FOR FEDERAL NATIONAL  
MORTGAGE ASSOCIATION ("FANNIE  
MAE"), CREDITOR C/O SETERUS, INC.  
Creditor/Respondent

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**RESPONSE TO MOTION TO VALUE COLLATERAL**

COMES NOW, Seterus, Inc. as the authorized servicer for Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. ("Creditor"), by and through counsel, files its Response to Motion to Value Collateral, and as reasons respectfully represents as follows:

1. Creditor denies paragraph 1. Creditor believes that the fair market value of the property is significantly higher than the offer contained within the Residential Contract for Sale (Debtor's Exhibit 1) and Sales Contract (Debtor's Exhibit 2), collectively the "Sale Offers" provided.
2. Creditor admits 2-4.
3. Creditor denies paragraph 5. Creditor believes that the fair market value of the property is significantly higher than the Comparative Market Analysis provided.
4. Creditor admits paragraph 5.
5. Creditor neither admits nor denies the allegations contained in paragraph 6 as it contains legal conclusions.

Creditor offers the following additional objections, responses and defenses to Debtor's Motion:

6. The value of the property is significantly higher than suggested by the Debtor.

7. The Sale Offers provided by the Debtor as evidence of the fair market value of the property are not indicative of the fair market value of the property; they are merely offers.

8. Debtor indicates a desire to sell said property. "The within Movant, Debtor herein, as owner in fee simple of the subject property, is willing to sell the same to the prospective purchasers, pursuant to the terms of the respective offers received." Docket Entry 32 at 2 of 5. This appears to be an attempt by the Debtor to sell a property; and therefore is not a proper motion to value.

9. Creditor avers that that the value of the home is at least the value provided by Zillow, a broadly utilized resource for determining initial property valuation, and an appraisal of the property may reveal a higher value. Creditor is actively seeking an appraisal and asks the Court for additional time to obtain said appraisal.

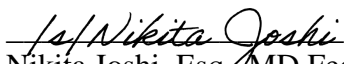
10. The fair market value of the subject property is at least \$242,000.00 and potentially higher, as such the terms presented in the motion should be denied.

WHEREFORE, the Creditor its successors and/or assigns prays that this Court:

1. Enter an order DENYING Debtor's Motion; and
2. Grant such other and further relief as necessary.

Dated: June 28, 2018

Respectfully Submitted,  
BWW Law Group, LLC

  
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*Attorney for the Creditor*

**CERTIFICATE OF SERVICE**


I hereby certify that on this 28th day of June, 2018, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the foregoing Response will be served electronically by the Court's CM/ECF system on the following:

Nancy Spencer Grigsby, Trustee

Douglas N. Gottron, Esq.

I hereby further certify that on this 28th day of June, 2018, a copy of the Response was also mailed first class mail, postage prepaid, to:

Tomas E. Carbajal  
135 West Wing Way  
Boonsboro, MD 21713

  
Nikita Joshi, Esq.